

## REMARKS

The Applicant has carefully reviewed and considered the Examiner's Action mailed June 29, 2004. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, the title of the invention has been amended, as has the first page of the specification; and claims 18-19 and 21-28 are amended to overcome the rejection under 35 U.S.C. §101 and to provide clear antecedent basis. The amendments to the claims are formal in nature and not intended to limit the scope of the originally filed invention. Accordingly, 18-33 are pending in the present application.

Claims 18-33 were rejected under 35 U.S.C. §101 because the original wording of the claims ("to be mounted ... beneath at least one foot of an occupant") was deemed as claiming a human body and thus directed to non-statutory subject matter.

The amended claims do not claim a part of the human body, nor do they refer to body elements with the word "said". Instead, the location of the load distribution element is described with the "adapted to" language as suggested by the Examiner. Accordingly, it is respectfully submitted that claims 1-33 are directed to statutory subject matter (i.e., a load distribution element); and withdrawal of this rejection is requested.

Claims 18-26, 32 and 33 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,991,900 to White for the reasons set forth in paragraph 5 of the Action. Claims 27-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over White in view of U.S. Patent No. 6,158,766 to Kowalski as explained in paragraph 7 of the Action. To the extent that the above rejections apply to the amended claims, these rejections are respectfully traversed.

As explained on page 1, line 5 through page 2, line 8 of the originally-filed application, the claimed invention is directed to “a **load distribution element** which, in use may obviate or reduce excessive eversion, inversion and/or dorsiflexion of a foot of an occupant of a motor vehicle in an impact situation” (emphasis provided). That is, the load distribution element of the claimed invention is installed in a vehicle under an occupant’s foot or feet and serves to protect the feet and/or ankles of the occupant when the motor vehicle is in an impact, which distorts the floor pan of the vehicle. This is achieved by a load distribution element according to the invention, which comprises a plate where the plate has a first region of a predetermined strength and at least one further region of a greater strength, the region of greater strength comprising at least a first area to be located beneath a predetermined part of a foot of an occupant of the vehicle. As described in the last paragraph of page 4 of the originally-filed application, “the strength of the plate is equivalent to the stiffness of the plate and provides resistance against bending.”

In contrast to the claimed invention, White is directed to a floor covering that is concerned with avoiding contact with the back of an operator’s shoe so that the operator’s shoe is not scuffed by dirt and stones contained in a floor mat. It is the Action’s position that floor mat 12 of White is a plate with a first region of predetermined strength and at least one further region of a greater strength. According to the Action, White teaches a lower step 14 and “larger steps 14” where the heel of a foot is located at at least one region of greater strength as shown in Fig. 2 of White. It appears that the Action has misinterpreted the disclosure of White. That is, it is the Action’s position that some of the steps 14 illustrated in the arrangement taught by White are larger than others and that

these larger steps will be stronger than the smaller steps. As explained below, White is not directed to a load distribution element and does not teach a floor mat having two areas of different strengths as claimed by Applicant.

White clearly discloses that “each step has a preset width 20 extending in a direction” and that “the steps 14 decrease in height by a preset depth”. That is, each step has the same width and the same thickness. Fig. 3 of White shows a section of the floor mat that clearly shows that the uppermost step and its lower adjacent step are of the same thickness. Nowhere does White disclose that its floor mat is a load distribution element; nor does White state that the floor mat is made of different thicknesses. Thus, White fails to disclose a floor mat that is a load distribution element having regions of different strengths as required by Claim 18. Accordingly, White does not anticipate claim 18 and cannot “inherently” meet the claimed feature of at least two regions of different strengths. Withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

The secondary reference to Kowalski is directed to a vehicle floor system incorporating an airbag. As shown in Fig. 2 of Kowalski, foam padding 22 is provided between an airbag assembly 14 and the carpet 18. The floor of Kowalski is flat and there is no disclosure of a load distribution element or regions of different strengths to obviate or reduce excessive eversion, inversion and/or dorsiflexion of a foot of an occupant of a motor vehicle in an impact situation, which is the subject of Applicant’s invention. Accordingly, neither White nor Kowalski disclose, teach or suggest a load distribution element having a first region of a predetermined strength and at least one further region of a *greater* strength where a first area of the region of greater strength is to be located beneath a predetermined part of an occupant’s foot. Consequently, the claimed invention

cannot be rendered obvious by these two patent documents that are silent as to the strength of the floor of a vehicle.

Further, the two patent documents, by their illustrations, suggest that the floor has a single strength and thus, teach against the claimed invention. Accordingly, it is respectfully submitted there is no motivation to combine these dissimilar inventions, and that the Action impermissibly used Applicant's specification as a guide to pull together two technologically different inventions that are both silent as to the claimed feature. Withdrawal of the rejection under 35 U.S.C. §103(b) is respectfully requested.

In view of the above, it is respectfully submitted that independent claim 18 and dependent claims 19-33 are patentable over the art of record. In addition to the reasons given above for the patentability of claim 18, depending claims 19-33 recite features which are not disclosed, taught or suggested by the prior art of record. Reconsideration and allowance of the present application is respectfully requested.

If the Examiner believes that a conference would help to advance the prosecution of the present application, the Examiner is determined to telephone the undersigned at the number below.

Respectfully submitted,



Catherine M. Voorhees  
Registration No. 33,074  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4800  
Telefax: (202) 344-8300

Date: September 29, 2004

CMV  
DC2/584645